



PLANNING COMMISSION

Department of Urban Planning & Design • P.O. Box 27210 • Tucson, AZ 85726-7210

DATE: January 18, 2006

TO: Planning Commission

FROM: Albert Elias, AICP, Executive Secretary

SUBJECT: Rule of Procedures Subcommittee

Issue: To consider revisions to the Planning Commission's Rules of Procedure and the creation of a subcommittee to conduct the review and revision process. Changes to the document must be approved by at least seven (7) votes of the Planning Commission members.

Recommendation: Staff recommends that the Planning Commission review the proposed revisions to the Rules of Procedure document and provide staff with guidance on issues highlighted in this communication.

Background: During the June 7, 2006, Planning Commission meeting, Principal Assistant Attorney Michael McCrory provided the Commission with a presentation regarding its roles and responsibilities, as well as an overview of the Open Meeting Law. It was mentioned that the Commission's Rules of Procedure document had not been updated since December 1997. Since the last update, the Land Use Code sections explaining the administrative and legislative functions of the Planning Commission were amended. Mr. McCrory advised that an update to the document would be appropriate. Staff was asked to place the update to the Rules of Procedure document on a future agenda.

The Rules of Procedure clarify the Commission's organization, roles and responsibilities of the members, and operational guidelines of the Planning Commission meetings. The Rules of Procedure document is not required by State law. The document was written into local Ordinance No. 9967, which requires that the Planning Commission "shall adopt rules of procedure necessary to carry out its functions." The first Rules of Procedure document was adopted on February 12, 1975.

Overview of the Proposed Revisions: Staff from Urban Planning & Design, the Attorney's Office and the Clerk's Office have worked together to create the proposed revisions provided with this communication for your review (Attachments A & B). Priority was given to making the Rules of Procedure more contemporary by reflecting current Planning Commission practices and utilizing language from existing legislation and regulations directing the Commission's operations. Where appropriate, staff has suggested text to clarify processes and/or procedures. A table summarizing the changes made to each section of the Rules of Procedure document is also attached (Attachment C).

Description of the Major Proposed Changes: To help clarify additional changes made to the document, major changes are described below. Each numbered item includes a description of the issue, how it is handled in the 1997 version of the Rules of Procedure, staff's proposed revisions, and any comments for the Commission to consider. The items are listed in no particular order.

1. **Terms of Office for Chair and Vice-Chair:** The current document calls for the elections of a new chair and vice-chair at the first meeting of the Commission each calendar year and restricts the number of terms to one (1).

Proposed Revision: Staff recommends maintaining annual elections of officers, but not restricting the number of terms based on the fact that the Planning Commission has not been enforcing the term limits.

Comments: None.

2. **Subcommittees:** The current document includes two standing subcommittees, the Agenda Subcommittee and the Zoning Code Revision Subcommittee.

Proposed Revision: Staff recommends deleting these sections and related procedures because the Commission does not currently use these subcommittees and has not for some time.

Comments: The Planning Commission currently sets its own agenda items in consultation with staff and agenda items are usually brought forward to the entire Commission, unless a subcommittee is formed to perform initial review. If subcommittees are desired in the future, they can be created.

3. **Staff Functions:** The current document states that the City Clerk's Office conducts correspondence of the Commission, transmits items to the Mayor and Council, and delivers agendas and materials for Planning Commission meetings. The document does not include the responsibility of posting legal action reports and minutes within State mandated timeframes.

Proposed Revision: Staff recommends updating the document to reflect internal city organizational responsibilities.

Comments: None. Care has been taken to ensure that internal changes do not affect the current level of service to which the Planning Commission is accustomed.

4. **Changing the format of the document to be consistent with the Land Use Code sections authorizing the Commission's administrative and legislative functions and utilizing text from these sections.** The current document is laid out to resemble the Mayor and Council's Rules and Regulations document.

Proposed Revision: Staff recommends formatting the Rules of Procedure to be consistent with the Land Use Code (LUC) sections authorizing the Commission's administrative and legislative functions and utilizing text from these sections verbatim. The composition of the Planning Commission (appointment, qualifications, terms and removal from office, vacancies), administrative functions (election of officers, meetings, quorum and voting,

records, rules of procedure and subcommittees) and its powers, duties and legislative functions (*General plan, Specific Plans, Land Use Code* and other matters) are included.

Staff also recommends allowing staff to complete an administrative, automatic update of elements linked directly to legislation guiding Planning Commission operations (inventoried under I. Responsibilities & Authority of the proposed revision) in the event the legislation is updated. For example, if ARS §38-431.01 is updated by the State legislature, staff would be able to update the document with the current information and present the amended document to the Commission without having to put it through a vote. The intent is to make it easier to keep the document current when more substantive changes are not being done. Changes to text not directly linked to or taken verbatim from legislation would still have to be approved by the Planning Commission.

Comments: None.

5. **Removing certain sections that could be streamlined, such as Sections XII. Motions and XIII. Reconsideration, which are similar to Robert's Rules of Order, Newly Revised.** The current document incorporates specific types of motions and actions which are similar to the Robert's Rules of Order. The same motions and actions are in the Mayor and Council Rules and Regulations document.

Proposed Revision: Staff recommends taking out the clarification of motions and actions that can be addressed with other materials available now that may not have been when these sections were first included in the Rules.

Comments: Deleting these sections shortens the document. Using supplemental documents to provide clarification of how and when to make motions may provide more information in a user-friendly format for the Commissioners and the general public.

6. **Setting and Coordinating Meeting Agendas.** The current document requires the Agenda Subcommittee establish the meeting agendas.

Proposed Revision: Staff recommends changing the document to reflect the current procedures, which allow items to be put on the agenda at the discretion of the Chair, in consultation with the Executive Secretary, and by majority vote of the Commission members present at a meeting.

Comments: This proposed revision captures the Commission's current operating procedures.

7. **Definitions and Purposes of Study Sessions, Executive Sessions and Informational Presentations.** The current document only defines public hearings, the procedures and processes related to public hearings, and that special meetings may be scheduled by the Commission.

Proposed Revision: Because the Planning Commission agendizes study session items and informational presentations, staff recommends updating the Rules to include definitions and purposes of such agenda item types. Executive sessions are rare, but are an option for the Commission, and staff recommends including the definition and purpose to complete the section.

Comments: The Planning Commission usually holds study sessions for plan and LUC text amendments and plan adoptions. The current approach allows for the Commission to become familiar with items before the public hearing. In contemplating the inclusion of this section, specifically study sessions, staff had questions that require input by the Commission:

- a. Does the Commission want to continue holding study sessions? There is no law or requirement for study sessions. If the Commission were to determine that study sessions were not required prior to public hearings, items could be scheduled to go straight to public hearing. The effects of such a decision would be that:
 - Staff would increase the time necessary to prepare the materials for public hearing to ensure that the item would be ready for presentation.
 - Barring any delays, if an item was approved at the public hearing, the time it would take to process the item could be cut down anywhere from 1-4 weeks.
 - The Commission would have the ability to continue the hearing, if it were not able to provide a recommendation to the Mayor and Council. The 90-day window begins, however, with the first public hearing. If, after 90 days, the Commission had not reached a recommendation to forward to Mayor and Council, the item would go forward without a recommendation.
- b. If the Commission elects to have study sessions, should a study session be a necessary step prior to every public hearing?
- c. Should elements of flexibility be included for special circumstances? For example, if study sessions are required prior to every public hearing, would it make sense to allow a provision for items to go directly to public hearing?

AE:JM\jtb

Attachments: A. Strikethrough version of the Rules of Procedure
B. Proposed Draft of the Rules of Procedure
C. Summary of Proposed Changes to the Rules of Procedure